

# EXHIBIT

# B

March 22, 2016

**Custodian of Records**

Pennsylvania Board of Medicine  
PO Box 2649  
Harrisburg, PA 17105-2649  
Telephone: 717-783-1400 or 717-787-2381  
Fax: 717-787-7769  
Email: st-medicine@state.pa.us

Dear Custodian of Records:

I request an electronic copy of the following, pursuant to the Pennsylvania Freedom of Information Act (FOIA), Pennsylvania Sunshine Act, 65 Pa. Cons. Stat. Section 261 et seq., Pennsylvania Right to Know Law 65 Pa. Stat. Section 66.1 et seq.

If an electronic copy is not available, then I request a paper copy:

(1) Emails by, to, and among members and staff of the Pennsylvania Board of Medicine ("PABOM") since Jan. 1, 2009, concerning the National Board of Medical Examiners (NBME) and the Federation of State Medical Boards ("FSMB") involving the United States Medical Licensing Exam (USMLE), emails relating to the United States Medical Licensing Exam (USMLE) and the Six Attempt Limit Policy instituted by NBME and FSMB in January of 2012. Any emails of the associated USMLE Waiver or policy of exemption of the Six-Attempt Limit Rule that NBME provided to PABOM in 2011.

(2) Emails by, to, and involving Teresa Lazo, Assistant Counsel (tlazo@pa.gov) and her co-counsel, Wesley Rish at ([wrish@pa.gov](mailto:wrish@pa.gov)) with NBME or FSMB, PABOM board members, involving USMLE Waiver provision of the Six-Attempt Limit Rule Policy that NBME provided to PABOM involving the USMLE Exams.

(3) Emails by, to or involving Ms. Lazo, Mr. Rish or any other PABOM representative or employee with PA State Rep. David Parker, Representing the 115th Legislative District in the Pennsylvania House of Representatives and his constituent Richard Katz a Medical Graduate from East Stroudsburg, PA.

(4) Emails by, to, or involving Ms. Lazo, Mr. Rish or any other PABOM representative, board member or employee with Attorney Charles Weiner of Bensalem, PA, Attorney's from the Law firm Hamburg & Golden, P.C. located at 1601 Market Street in Philadelphia, PA, Michael Sacks or Neil Hamburg involving Rep. David Parker or his constituent Richard Katz, NBME, FSMB, USMLE or the Six Attempt Limit Policy and Waiver provision.

This information is not being sought for commercial purposes. I respectfully request a waiver of any and all fees, in that the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of the influence that NBME and FSMB has on governmental agency. If there are any fees for searching or copying these records, then please inform me beforehand if the charge will exceed \$100.

The Pennsylvania Freedom of Information Act requires that your agency respond to this request within five business days. If there is any delay, please let me know when I will receive the requested material. If there is a denial of any part of this request, then please cite the specific exemption used for the denial, and state the appeal procedures that are available.

Please email to me the electronic copies to this address of cat2400@msn.com

Please mail any paper copies that are not in electronic form to my address at:

**Richard Katz, 3364 Parker Lane, East Stroudsburg, PA 18301**

Thank you for your attention to this matter. Please contact me directly if there are any issues concerning this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Katz', with a stylized flourish at the end.

Richard Katz



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
HARRISBURG, PENNSYLVANIA  
17120

Right-to-Know Law Office  
Room 306, North Office Building  
401 North Street  
Harrisburg, PA 17120-0500  
Fax: 717-214-9899

Mailing Date: April 4, 2016

Richard Katz  
3364 Parker Lane  
East Stroudsburg, PA 18301

[Cat2400@msn.com](mailto:Cat2400@msn.com)

RE: Right-to-Know Law Request No. 2016-126

Dear Mr. Katz:

As your request was not properly addressed to the Agency Open Records officer pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §67.101, et seq. (RTKL), it was not received by the Agency Right to Know Officer until March 28, 2016. Although your request refers to the Freedom of Information Act, this agency is subject only to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101, et seq. (RTKL). In your request you asked for:

*(1) Emails by, to, and among members and staff of the Pennsylvania Board of Medicine ("PABOM") since Jan. 1, 2009, concerning the National Board of Medical Examiners (NBME) and the Federation of State Medical Boards ("FSMB") involving the United States Medical Licensing Exam (USMLE), emails relating to the United States Medical Licensing Exam (USMLE) and the Six Attempt Limit Policy instituted by NBME and FSMB in January of 2012. Any emails of the associated USMLE Waiver or policy of exemption of the Six-Attempt Limit Rule that NBME provided to PABOM in 2011.*

*(2) Emails by, to, and involving Teresa Lazo, Assistant Counsel ([tlazo@pa.gov](mailto:tlazo@pa.gov)) and her co-counsel, Wesley Rish at ([vrish@pa.gov](mailto:vrish@pa.gov)) with NBME or FSMB, PABOM board members, involving USMLE Waiver provision of the Six-Attempt Limit Rule Policy that NBME provided to PABOM involving the USMLE Exams.*

*(3) Emails by, to or involving Ms. Lazo, Mr. Rish or any other PABOM representative or employee with PA State Rep. David Parker, Representing the 115th Legislative District in the Pennsylvania House of Representatives and his constituent Richard Katz a Medical Graduate from East Stroudsburg, PA.*

*(4) Emails by, to, or involving Ms. Lazo, Mr. Rish or any other PABOM representative, board member or employee with Attorney Charles Weiner of Bensalem, PA, Attorney's from the Law firm Hamburg & Golden, P.C. located at 1601 Market Street in Philadelphia, PA, Michael Sacks or Neil Hamburg involving Rep. David Parker or his constituent Richard Katz, NBME, FSMB, USMLE or the Six Attempt Limit Policy and Waiver provision.*

Under the RTKL, a written response to your request is due on or before April 4, 2016.

This is an interim response, not a final response, to your request. Under the provisions of 65 P.S. §67.902(b)(2), you are hereby notified that your request is being reviewed and the Department of State will require up to an additional 30 days, i.e., May 4, 2016, in which to provide a final written response to your request.

The extent and nature of your request precludes a response within the five-day time period. Due to this reason, the total for the estimated or actual fees that will be owed when the records become available will be included in our subsequent response.

Many of the records that might possibly be included in your request may also be exempt under section 708(b) of the RTKL. The Department of State reserves the right to review and assert any such exemptions.

Should you have any questions, please feel free to contact me.

Respectfully,

A handwritten signature in cursive script that reads "Rebecca A. Fuhrman". The signature is written in dark ink and is positioned above the typed name and address.

Rebecca A. Fuhrman  
Agency Open Records Officer  
306 North Office Building  
401 North Street  
Harrisburg, PA 17120  
717-783-3585

You replied on 5/20/2016 1:39 PM.

Good Afternoon,

I met today with the Right-to-Know attorney for the Department of State and our Chief Counsel to discuss a way to handle this request more accurately and efficiently and to figure out to make this process quicker and cost effective for you. I apologize it is taking so long to finish the request but we have thousands and thousands of emails regarding FSMB. We are still going through each one to determine (1)if it can be provided under the RTKL, and (2)if it is responsive to documents you are requesting.

I believe we have a solution, however it is going to take longer than the May 26, 2016, deadline.

I wanted you to know that this request is a priority and I will be in touch in the next few days once I have a better idea of how long the project will take.

Thank you.

**Rebecca Fuhrman** | Agency Open Records Officer  
Department of State | Office of Chief Counsel  
Commonwealth of Pennsylvania  
306 North Office Building | 401 North Street  
Harrisburg, PA 17120  
Phone: 717.783.3585 | Fax: 717.214.9899  
[www.dos.state.pa.us](http://www.dos.state.pa.us)

**PRIVILEGED AND CONFIDENTIAL COMMUNICATION**

*The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.*